

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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KIMBERLY HILLMAN, as Personal	)	
Representative of the Estate of	)	
Larey Bert Cole, Sr.,	)	
	)	
Plaintiff,	)	Case No. 1:07-cv-1197
	)	
v.	)	HON. JANET T. NEFF
	)	
KAY RUSSELL, et al.,	)	
	)	<b><u>MEMORANDUM OPINION</u></b>
Defendants.	)	
	)	

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Defendant Metropolitan Life Insurance Company has paid into the registry of this court \$20,325.00, representing the proceeds of a group life insurance policy payable on the death of Larey Bert Cole, Sr., deceased. The payment was made pursuant to the memorandum opinion and order of the magistrate judge entered April 10, 2008. The court has reviewed that memorandum opinion and finds it to be an accurate expression of both federal and state law applicable to this case. The memorandum opinion is therefore adopted as the opinion of this court.

The court concurs that a constructive trust should be imposed upon the proceeds of the group life insurance policy in favor of Kimberly Hillman, personal representative of the decedent's estate. As no claim has been made against the proceeds of that policy within the 21 days allowed by the order of the magistrate judge, the proceeds of that policy will be released in their entirety to plaintiff. Defendant Metropolitan Life Insurance Company will be discharged of all liability under the policy.

Dated: June 16, 2008

/s/ Janet T. Neff  
Janet T. Neff  
United States District Judge